



Legislative Update

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Senate Passes Supplemental Budget, Awaits Passage of House Version

Frank Hickey

The Senate Ways and Means supplemental budget proposal, PSSB 6108, was released on February 23rd, and passed the Senate on February 25th. It includes most of the workload and federal increases contained in the Governor's supplemental budget request. The most significant changes to the Governor's supplemental budget proposal are:

Water Reuse Program - The Governor's proposal contained \$189,000 for the DOH water reuse program. The proposed Senate budget includes no funding for this activity. An adequate state reuse program will be critical for salmon recovery and watershed planning efforts, mitigation for inadequate instream flows, providing water for continued population and economic growth, and overall effective water resources management.

Watershed Management - The Senate proposal reduces the Governor's request from \$400,000 of state general fund money and 2.0 FTEs to \$77,000 and 0.5 FTE. This reduced amount is based upon the implementation of only two watershed teams rather than the five teams proposed by the Governor.

Acute and Home Care - The Governor's request includes \$508,000 split equally between the state general fund and fees to address workload associated with increased and more complex complaint investigations. The Senate proposal identifies this as being fully fee supported.

Impaired Physicians Program - In connection with the enactment of SB 6545, the Senate proposal creates a new non-appropriated account to fund the impaired physician program for the prevention, detection, intervention, monitoring and treatment of impaired physicians.

Cervical and Breast Cancer Screening - The Senate budget contains a \$1,000,000 enhancement for clinical screening for breast and cervical cancer within the Breast and Cervical Cancer Screening Program in fiscal year 1999.

Neurodevelopmental Centers - The Senate supplemental budget requires the department to fund neurodevelopmental centers at the same levels as fiscal year 1998. This is a change from

IN THIS ISSUE:

ARTICLES

State Children's Health
Initiative Program
(SCHIP)
Page 2

BILL WATCH

Data & Confidentiality
Disease Prevention &
Control
Environmental Health
Page 3
Families & Children
Page 6
Fiscal
Page 7
Injury Prevention
Professional/Facilities
Licensing
Page 8
Regulatory Reform
Page 10
Tobacco
Welfare Reform
Page 11

Con't Page 2

Supplemental Budget (con't)

the current 1997-1999 budget in which DOH developed spending plans and allotments which included reductions for neurodevelopmental center contracts.

The House Supplemental Budget proposal will be released on Monday, March 2nd. When that bill passes the House, the two houses will meet in conference to work out the details of a final supplemental budget. Items included in the House Budget, but not reflected in the Senate Budget, or vice versa, will be the basis for debate and decision-making. §

State Children's Health Insurance Program Update

Maria Meengs-Lathrop and Greg Smith

With the enactment of the Balanced Budget Act of 1997, the federal government created the State Child Health Insurance Program (SCHIP) as Title XXI of the Social Security Act. States can now design a program that enhances their current Medicaid (entitlement) program or a separate non-entitlement program that follows specific guidance regarding income eligibility and level of benefits.

The legislature has heard various proposals for SCHIP implementation during this session. Governor Locke proposed in his executive request budget that SCHIP extend health care coverage to approximately 10,000 children in families with an income between 200 to 250% of the federal poverty level. Services would be provided by expanding the Basic Health Plan, and cost sharing would be required of enrollees.

SHB 3026, advanced by the House Health Care Committee, changes the Governor's proposal by stating the primary mechanism for financing and delivering health care services for children between 200 and 250% of the federal poverty level would be through contracts with managed health care systems. DSHS would design benefits packages and administer the contracts. This program would not be an entitlement. If the state is not permitted by January 1, 1999 to expend Title XXI funds for children under 200% of the federal poverty level not presently enrolled in Medicaid, the Children's Health Insurance plan would then be terminated.

The Senate considered two different proposals. The first, **SB 6472**, reflects the priorities of Governor Locke. The second, **SB 6374**, increases Medicaid eligibility for children up to 250% of the federal poverty level, with no cost sharing for families proposed.

As of this issue, all of the legislative proposals described above have not passed their originating house in time to meet the most recent legislative cutoff. Additionally, there was no provision related to SCHIP in **SSB 6108**, the supplemental operating budget, passed by the Senate on February 25th. If a provision is made in the supplemental budget as it is considered by the House of Representatives, the debate will continue and be resolved in the final budget conference committee. §

Bill Watch

Bill Watch this week contains bills that are being heard in the opposite house. Legislative Cutoff for opposite house policy committees is Friday, February 27, and for opposite house fiscal committees is Monday, March 2. Bills that do not move from these committees by those times are technically “dead”. These bills, by prior legislative agreement, cannot be further considered unless they are incidental to the budget.

DATA AND CONFIDENTIALITY

SHB 2914: HIV Test Reporting

Directs the Governor to convene a 15 member task force to develop a state wide pilot project to implement an HIV surveillance system. Requires the task force to report to the State Board of Health by 10/1/98. Any pilot project developed must assure access to federal funding. **Senate Rules.**

SB 6329: Health Care Information Disclosure

Authorizes disclosure of health care information without patient's authorization to county coroners and medical examiners for the investigations of deaths. **House Health Care.**

DISEASE PREVENTION & CONTROL

SHB 2366: Good Samaritan Disease Tests

Provides that any person, who without compensation or the expectation of compensation renders emergency care at the scene of an emergency that brings them into contact with bodily fluids shall be provided the opportunity to have infectious disease testing provided by a local public health department free of charge, provided the person needing the test has no insurance coverage. **Senate Health & Long-Term Care.**

SHB 2413: Sexually Transmitted Disease Disclosure
Revises RCW 70.24.105 to provide for disclosure of sexually transmitted disease information to a person rendering emergency care or transportation, commonly known as a “good Samaritan”. **Senate Health & Long-Term Care.**

ENVIRONMENTAL HEALTH

2E2SHB 1354: Air Pollution Control

Revises air pollution control provisions. Requires the department of ecology to establish a scientific advisory board to review plans to create or expand an inspection and maintenance system for motor vehicle emissions.

Exempts from the requirements for emission inspection collector cars as identified by the department of licensing under RCW 46.16.305(1), or beginning January 1, 2000, vehicles that are less than five years old or more than twenty-five years old. Requires Ecology to evaluate changes to the motor vehicle emission inspection program and to recommend changes to the legislature by January 1, 1999. **Senate Rules.**

SHB 1692: Port District Aquatic Lands

The only lands that may be included in a port district aquatic lands management agreement are those state-owned aquatic lands abutting or used in conjunction with and contiguous to uplands owned, leased, or otherwise managed by a port district. Upon request of a city, the department and city may enter into an agreement authorizing the city to manage state-owned aquatic lands for the purpose of operating a publicly owned marina. Directs the development of a proposed model management agreement that shall be used as the basis for negotiating the management agreements required by this section. The model management agreement shall be reviewed and approved by the board of natural resources. **Senate Natural Resources & Parks.**

SHBa 1867: Revising Provisions For Food Sanitation And Safety

Beginning July 1, 1999, the renewal period for food and beverage workers' permits is reduced from five to three years, unless the employee obtains additional food safety training. A limited-duty permit for disabled people is created. The local health officer specifies the activities that the permit holder may perform. This permit is recognized in all counties. It is specified that persons with contagious or infectious diseases that may be transmitted by food or beverage may not work in places where unwrapped or unpackaged food or beverages are prepared, consumed or sold. Health officers, by law, already restrict people with contagious diseases such as tuberculosis or chicken pox, which are not transmitted by food, from contact with the public in general.

The grace period to obtain a food and beverage service workers' permit is reduced from 30 to 14 days. Employers are required to provide information or training regarding safe food handling practices to employees prior to employment. **Senate Rules.**

ESHB 2303: Regulating Public Water Systems

Declares that a receiving public water system's use may exceed its water right authorization if the receiving public water system's withdrawal does not exceed the instantaneous or annual withdrawal rate specified in the receiving public water system's water right authorization. If the applicant is a public water system that is a party to an existing intertie agreement, the department shall also consider the existence, nature, economics, and terms of the agreement between the intertied public water systems when making a determination on the application for new water rights by the public water system. An intertie shall not be used to deliver a primary or secondary supply of water to a receiving system on a temporary basis unless the terms of the intertie agreement specify the source of the water that will be used by the receiving system to replace the water delivered on the temporary basis and provide that replacement water will be available for delivery to or use by the receiving system before delivery by the supplying system under the agreement is terminated. **Senate Agriculture & Environment.**

EHBa 2414: Outdoor Burning Compliance

Cities with a population of less than 5,000 that are not within or contiguous with an area not meeting federal or state air quality standards must phase out outdoor burning by December 31, 2006. **Senate Agriculture & Environment, Do Pass as Amended.**

ESHB 2514: Integrated Watershed Management

Declares an intent of this act to provide locally based groups with the opportunity to: assess local water supplies and needs and develop strategies to provide adequate water for economic prosperity and environmental protection while protecting existing water rights; review water quality problems and develop a strategy for achieving compliance with water quality standards; and formulate plans for protection and enhancement of water-related wildlife and fish habitat. **Senate Agriculture & Environment.**

HB 2537/SB 6131: Shellfish Sanitary Control

Provides that a person whose license or certificate of approval is denied, revoked or suspended as a result of violations of chapter 69.30 RCW may not participate to any degree in a shellfish operation. **Senate Natural Resources & Parks/House Natural Resources.**

HB 2542: Rural Counties/Growth Management

Provides that a rural county that adopts a resolution removing the county, and the cities located within the county, from the requirement to plan under the Growth Management Act remains subject to the requirements for the designation and protection of critical areas and the designation of natural resource lands. **Senate Government Operations.**

2SHB 2618/SSB 6474: Fertilizer Regulation

Strengthens the state's fertilizer adulteration laws to protect human health and the environment by: ensuring that all fertilizers meet standards for allowable metals; allowing fertilizer purchasers and users to know about the contents of fertilizer products; clarifying the department of ecology's oversight authority over waste-derived fertilizers; and authorizing additional studies on plant uptake of metals. Makes an appropriation of \$407,747 from the general fund to the department of agriculture for the purposes of this act. **Senate Agriculture & Environment/House Agriculture & Ecology.**

EHB 2791: Methamphetamine Crimes

Provides that the manufacture or possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine in or near a residence in which a minor resides is a "most serious offense" under RCW 9.94A.030. Provides that funds may also be appropriated to local governments for a program to assist in the cleanup of sites of methamphetamine production. Funds from this program shall not be used for the initial containment of such a site. **Senate Law & Justice.**

SHB 2800: Small City Water Rights

Finds that an application to withdraw ground water filed with the Department of Ecology serves overriding considerations of the public interest when all of the following criteria are met: the application is either filed or held, through assignment or otherwise, by a city with a population no greater than five thousand at the time the application is filed; the city has a sole source of firm water supply and that source might be at risk of failure due to contamination or to source location factors including but not limited to steep slope and other geologic hazards; the city has a comprehensive plan approved under the Growth Management Act and the plan includes an urban growth area that the city will be required to serve; the city's current water supply is insufficient to meet the future demand forecasted in the plan throughout the ten-year period

beginning with the adoption by the city of the plan; the city has no currently available reasonable alternative source or supplier of water to meet the demand; and the city has identified a permanent alternative firm supply of water to meet the forecasted demand that the city reasonably expects to become available within ten years of the date of the adoption by the city of the plan. **Senate Agriculture & Environment.**

E2SHB 2915: Dairy Nutrients

Declares an intent of this act to establish an inspection and technical assistance program for dairy farms to address the discharge of pollutants to surface and ground waters of the state that will lead to water quality compliance by the industry. Creates a balanced program involving technical assistance, regulation, and enforcement with coordination and oversight of the program by a committee composed of industry, agency, and other representatives. Requires every dairy producer licensed under chapter 15.36 RCW to register with the department by September 1, 1998, and shall reregister with the department by September 1st of every even-numbered year.

Requires that, prior to October 1, 1998, the department and conservation commission shall jointly sponsor and hold an educational workshop for conservation districts from around the state, and that, by October 1, 1998, the department shall initiate an inspection program of all dairy farms in the state. Requires all dairy producers licensed under chapter 15.36 RCW to prepare a dairy nutrient management plan. Such plans shall be prepared and fully implemented by December 1, 2000. Establishes a dairy nutrient management program advisory and oversight committee. Establishes penalties for violations of the act. The act shall be null and void if appropriations are not approved. **Senate Agriculture & Environment.**

SHB 2960: Authorizing Permits-By-Rule For Certain Solid Waste Recycling Facilities

Encourages the development and operation of waste recycling facilities needed to accomplish the management priority of waste recycling, and to promote consistency in the requirements for such facilities throughout the state. Directs the department of ecology, in conjunction with the state solid waste advisory committee, to continue to refine their recommendations produced pursuant to the comprehensive review of the state's solid waste system required under section 6, chapter 213, Laws of 1997. Ecology shall submit a

report containing the refined recommendations to the appropriate legislative committees by December 1, 1998. **Senate Agriculture & Environment, Do Pass as Amended.**

SSBa 5636: Health Inspection Warrants

Revising health inspection warrants for local health officers in response to pollution in commercial or recreational shellfish harvesting areas. Requires the submission of specific evidence showing that it is reasonable to believe pollution is coming from the septic system on the property to be accessed. An administrative search warrant may be issued in response to pollution in shellfish harvest areas or in freshwater. **House Natural Resources, Do Pass as Amended.**

ESB 6123: Animal Health

Designates the authority and responsibility of the director of agriculture to supervise the prevention of the spread and the suppression of infectious, contagious, communicable, and dangerous diseases affecting animals within, in transit through, and imported into the state. **House Rules.**

ESB 6139: Amphetamine Penalties

Increases penalties for manufacture and delivery of amphetamine. **House Criminal Justice & Corrections.**

SSB 6161: Dairy Nutrient Management

Establishes a credible registration and inspection program for dairy animal feeding operations to address the excessive discharge of nutrients or pollutants to waters of the state and lead to compliance by the industry with water quality laws. Maintains the administration of the water quality program as it relates to dairy operations at the state level. Creates a balanced program involving technical assistance, regulation, and enforcement with coordination and oversight of the program by an advisory committee composed of agency, industry, and other representatives. Clarifies the current coordination procedures and responsibilities between the Department of Ecology, the conservation commission, and conservation districts. Repeals RCW 90.64.005 and 90.64.090. **House Agriculture & Ecology.**

ESSB 6203: Authorizing Exemptions From Solid Waste Designations

Allows DOH to exempt one or more categories of material from designation as solid waste for purposes of solid waste management. In adopting such a rule, the

department shall consider the following whether the material will be beneficially used or reused; and whether the beneficial use or reuse of the material will present threats to human health or the environment.

Authorizes DOH to assess a civil penalty in an amount not to exceed \$1,000 per day, per violation to any person exempt from solid waste permitting, who fails to comply with the terms and conditions of the exemption. Each violation is a separate and distinct offense, and in the case of a continuing violation, each day's continuance is a separate and distinct violation. **House Agriculture & Ecology.**

ESSB 6497: Taking of Private Property

It is the public policy of the state of Washington that state agencies and local governments, in planning and carrying out governmental actions, anticipate, be sensitive to, and account for the obligations imposed by the fifth and the fourteenth amendments of the United States Constitution and Article I, section 16 of the state Constitution. It is the purpose of this act to reduce the risk of undue or inadvertent burdens on private property rights resulting from certain lawful governmental actions. Provides that, for any governmental action by local or state government requiring a public hearing, the local or state government shall address in its public hearing the guidelines of the state attorney general. The local or state government shall prepare written findings and conclusions available to the public, using the state attorney general's guidelines, on whether the governmental action may result in an unconstitutional taking of private property. If this act mandates an increased level of service by local governments, the local government may, under RCW 43.135.060 and chapter 4.92 RCW, submit claims for reimbursement by the legislature. The claims shall be subject to verification by the office of financial management. **House Government Reform & Land Use.**

FAMILIES & CHILDREN

ESHB 1194: Breast Feeding In the Workplace

Requires employers to provide a clean and secure location at the place of employment where a female employee can express breast milk. Clarifies that a mother breast-feeding her child cannot construed as indecent exposure. **Senate Rules.**

SHB 2308: School Tests/Parent Consent

Confirms that it is within the rightful authority of par-

ents to determine how much personal information regarding their child and their family is divulged to schools and individual educators. Requires prior parental consent for the administration of tests, questionnaires and surveys that elicit the personal beliefs or practices of a student or a student's family regarding sex or religion. Requires that all instruction materials, including teacher's manuals, films, tapes, or other supplementary material that will be used in connection with any test, questionnaire, survey, analysis, or evaluation in a school shall be available for inspection by the parents or legal guardians of the students and by any member of the school board. Provides that schools shall give parents and students effective notice of their rights under this act. Surveys that undergo review by the Human Subjects Research Review Board are exempted from most of the provisions in this bill. **Senate Education.**

ESHB 2395: Partial Birth Abortions

Initiative 120 is specifically amended to make this act an exception to the declared fundamental right to choose or refuse to have an abortion. Provides that any physician who knowingly performs a partial-birth abortion and thereby kills a human fetus is guilty of a felony and is fined \$4,000 or imprisoned for two years, or both. This act shall not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury. **Senate Law & Justice.**

SHB 2422: Parents' Rights in Education

Allows parents to: make a complaint to the school board and have the complaint heard at a public hearing regarding instructional and library materials the parent deems objectionable; exclude their child from sex education and HIV/AIDS classes without prior presentation of the materials, and be involved in evaluation and revision of sex education and HIV/AIDS programs; and exclude their child from scoliosis screening and be involved in instructional materials review committees. **Senate Education.**

E2SHB 3008: Drug-Affected Children

Requires dependency investigations for infants born drug affected. Requires a health care provider primarily responsible for the supervision of the birth of an infant, who has reasonable cause to believe an infant has been exposed to non-prescription use of controlled substances to: (1) Conduct appropriate tests to determine whether the infant is drug-affected; (2) notify

DSHS of the name and address of the parents of an infant who is drug-affected; and (3) refer the infant to DSHS for placement in a birthing facility or interim pediatric care center for medical treatment. Directs DSHS to operate a pilot project to provide services to women who give birth to infants exposed to the non-prescription use of controlled substances by the mother during pregnancy. This bill is null and void if not referenced in the supplemental operating budget. **Senate Human Services & Corrections.**

HB 3103: Newborn Screening

Directs the department of health, in consultation with appropriate medical professionals, to develop screening criteria for use in identifying pregnant or lactating women addicted to drugs or alcohol who are at risk of producing a drug-affected baby. **Senate Rules.**

E3SSB 5278: Mother of Drug-Addicted Baby

Finds that all children have the right to be born healthy and free of the consequences of the nonprescription use of controlled substances by the mother during pregnancy. Individuals who have a drug addiction are unable to make reasoned decisions that help ensure the birth of a healthy infant. The availability of long-term pharmaceutical birth control, when combined with other treatment regimens, may allow women to regain control of their lives and make long-term decisions in the best interest of themselves and their children. Finds that a third or subsequent drug-affected infant being born to the same mother means it is unreasonable to attempt to continue efforts to reunify the family and that all reasonable reunification efforts that have previously been made have proven futile and there is no likelihood that future efforts will produce a different outcome. Establishes procedures for dependency investigations for infants born drug affected. Declares that, to the extent funds are appropriated, the department shall operate a pilot project to provide services to women who give birth to infants exposed to the non-prescription use of controlled substances by the mother during pregnancy. Within available funds, the project may be offered in each of the department's administrative regions. The project shall accept women referred to it by the department following the birth of a drug-affected infant. The pilot project shall be concluded by July 1, 2001. Declares that, to the extent funds are appropriated, the institute for public policy shall study the cost-effectiveness of this act and report to the governor and legislature not later than September 1, 2002. **House Children & Family Services.**

ESSB 6290: Abortion/Parental Notification

A physician shall not perform an abortion upon an unemancipated minor or upon an incompetent person unless the physician has given forty-eight hours actual notification to a custodial parent or to the guardian of the mother and the father. If the pregnant unemancipated minor or pregnant incompetent person makes a written, signed declaration that she is a victim of sexual abuse, neglect, or physical abuse by either of her parents or her guardian, the physician intending to perform the abortion shall provide the notification required by this act to a brother or sister of the unemancipated minor or incompetent person so long as that sibling is over twenty-one years of age, or to a stepparent or grandparent specified by the unemancipated minor or incompetent person.

A parent, guardian, or other person who engages in coercion of an unemancipated minor or incompetent person to persuade her to have an abortion performed is guilty of a misdemeanor. Any physician who intentionally performs an abortion with knowledge that, or with reckless disregard as to whether, the person upon whom the abortion is to be performed is an unemancipated minor or an incompetent person, without providing the required notification shall be guilty of a gross misdemeanor. **House Law & Justice.**

FISCAL

HB 2301: Vehicle Excise Tax Moneys

Reduces the annual amount of the motor vehicle excise tax to one and one-half percent of the value of the vehicle and revises the distribution formula for the tax. Applies to motor vehicle fees due after June 30, 1998. **House Finance.**

HB 2453: Motor Vehicle Excise Tax

Revises provisions relating to motor vehicle excise taxes. **House Finance.**

SHB 2724: Enforcement Moneys/Legislative Oversight

Provides that no state officer or employee may expend moneys received from fines, penalties, forfeitures, settlements, court orders, or other enforcement actions except as provided in a specific appropriation by law. **Senate Ways & Means.**

Bill Watch

HB 2801: Vehicle Excise Tax Revenues

Revises RCW 82.44.110 relating to disposition of motor vehicle excise tax revenues. **House Appropriations.**

ESSB 6108: Supplemental Operating Budget

Appropriations from various agencies are modified, with no net increase in appropriations from the state General Fund. \$200 million from General Fund revenues is deposited in the state's Emergency Reserve Fund. **Senate Ways & Means Committee. *Public Hearing: House Hearing Room A; 3-2-98; 1:30 PM. Executive Session: House Hearing Room A; 3-3-98; 1:30 PM.***

SSB 6602: Carbonated Beverage Taxes

Provides a credit for carbonated beverage taxes against business and occupation taxes. **House Finance.**

SB 6112: Vehicle Excise Tax Reduction

Reduces the rate of motor vehicle excise tax on automobiles, motorcycles, light trucks, and motor homes by a general reduction in the value of vehicles to which the tax is applied. Reductions in revenue from the motor vehicle excise tax must be funded from projected surpluses in the state general fund so as to not have a detrimental effect on other programs receiving funds from the tax. **Senate Ways and Means.**

SB 6483: Cigarette and Tobacco Tax Enforcement

Authorizes the transfer of enforcement of cigarette and tobacco taxes to the liquor control board. **House Rules.**

INJURY PREVENTION

HB 1046: Requiring Personal Flotation Devices For Children On Certain Recreational Vessels

No person may operate or permit to be operated a vessel under nineteen feet in length unless each person nine years of age or younger on the vessel wears a United States coast guard-approved personal flotation device. Enforcement by law enforcement officers may be accomplished only as a secondary action. **Senate Natural Resources & Parks.**

SHB 1978: Disposal of Firearms

Legal firearms may be either auctioned or traded to licensed dealers or destroyed if the following criteria are met: The firearm was offered for auction or trade and the offer was not accepted; and the firearm is unsafe or inoperative. **Senate Law & Justice.**

ESB 5242: Child Floatation Devices

Operators or persons permitting the operation of vessels under 19 feet in length must ensure that all passengers nine years of age and younger actually wear a United States Coast Guard approved PFD if the vessel is in motion. **House Natural Resources, Do Pass as Amended.**

PROFESSIONAL/FACILITIES LICENSING

2SHB 1618: Impaired Physician Programs

Makes technical revisions to provisions relating to treatment programs for impaired physicians. **Senate Health & Long-Term Care.**

ESHB 1619: Increasing Compensation For Members Of Medical Boards

Each member of the commission who performs regulatory and licensing functions with respect to a health care profession licensed under Title 18 RCW shall be compensated in an amount not to exceed two hundred fifty dollars per day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson of the commission. **House Health Care.**

ESHBa 1769: Electronic Transfer Of Prescription Information

The electronic communication of prescription information is authorized by law. Electronic communication of prescription information means the transfer of prescription information by computer, facsimile visual imaging (FAX), or other electronic means, for original or refill information for legend drugs and controlled substances, Schedule III to V, between a prescribing practitioner and a pharmacy, or between pharmacies. No intervening person between a physician or naturopath and a pharmacy can have access to the prescription drug order.

Electronically communicated prescription information must comply with applicable laws and rules. The Board of Pharmacy is authorized to adopt rules implementing this law. Electronic systems must be approved by the Board of Pharmacy, except currently used FAX equipment. The board must maintain a list of approved systems.

Electronically communicated prescription information must allow the opportunity for health prescribers to indicate their preferences for substituting thera-

apeutically equivalent generic drugs authorized by law; protect the confidentiality of patient prescription information from unauthorized disclosure; and assure accuracy and authenticity of prescriptions. **Senate Rules.**

ESHBa 2363: Nurse Delegation

A conflict in law pertaining to school employees is clarified. Non-licensed employees in public and private schools, who have given prior consent, are authorized to administer medications to students, notwithstanding the nurse delegation law, in accordance with current practice. Nurses are only required to obtain the written informed consent from patients at the onset of the nurse-delegation process for a particular patient, and it is not necessary to obtain it repeatedly for each change in task. Nurses may determine the most appropriate method for assessing the competency of each nursing assistant in the delegation process.

The legislative task force expires on January 1, 1999. The Department of Social and Health Services has the discretion to levy fines for violations of the nurse delegation law. School employees must consent to administering oral medications to students in public and private schools. **Senate Rules.**

SHB 2364: Health Professions Administrative Procedures

Revises RCW 43.70.280 to extend the authority of the secretary of health to write administrative rules for the health professions from July 1, 1998 to March 1, 1999. **Senate Rules.**

SHB 2469: Blood Supply Donations

Requires any blood donor program receiving blood donations to establish a program and procedures to honor the requests by donors to have the blood donations directed for use to persons as specified by such donors. The blood donor program may keep up to one-third of the donated blood to increase the general blood supply for other non-directed patient transfusions. **House Health Care. Senate Health & Long-Term Care.**

SHBa 2688: An act relating to hearing instrument fitters and dispensers

After December 31, 2002, an applicant for licensing must satisfactorily complete a minimum of a two-year degree program in hearing instrument fitter/dis-

penser instruction approved by the board. The apprenticeship training program for permit holders under licensees is repealed. Technically, permits for applicants for certification as audiologists and speech-language pathologists are renamed as interim permits. The minimum age for applicants for licensing is repealed. **Senate Rules.**

ESHB 2774: Adult Family Homes

Creates an advisory committee on matters relating to the regulation of adult family homes. **Senate Health & Long-Term Care.**

HB 2788: Nursing Assistant Training

Provides that the nursing care quality assurance commission shall direct the nursing assistant training programs to accept some or all of the skills and competencies from the curriculum modules towards meeting the requirements for a nursing assistant certificate. A process may be developed to test persons completing modules from a caregiver's class to verify that they have the transferable skills and competencies for entry into a nursing assistant training program. Directs the Department of Social and Health Services (DSHS) and the nursing care quality assurance commission to work together to develop an implementation plan by December 12, 1998. **Senate Rules.**

EHBa 2920: Counselor Continuing Education

The Secretary of Health is required to establish continuing competence requirements for certified counselors by rule. There must be at least 36 hours of continuing education during the two-year reporting period preceding the renewal of certification, including subjects in professional ethics and law. Certified counselors are responsible for obtaining thirty-six clock hours of continuing education during the two-year reporting period immediately preceding renewal of certification, at least six hours of which must be in professional ethics and law. **Senate Rules.**

E2SHB 2935: Nursing Home Medicaid Reimbursement System

Implements the nursing facility Medicaid payment system. Exempts Bailey-Boushay House from case mix reimbursement. **Senate Health & Long Term Care.**

HB 2990: Boarding Home Accreditation

Recognizes the need to involve the boarding home industry, the consumers of assisted living and retire-

ment services, the long-term care ombudsman, and state regulatory agencies in the collaborative process of developing standards and procedures for accreditation of licensed boarding homes. Supports an industry-funded pilot program prior to changing or developing new standards for boarding home regulation. **Senate Health & Long-Term Care.**

SHB 2998: Privately owned defibrillators

Provides a limited immunity for use of semiautomatic external defibrillators. **Senate Rules.**

2SSB 6168: Temporary Worker Housing

Directs DOH to adopt by rule a temporary worker building code in conformance with the temporary worker housing standards developed under the Washington Industrial Safety and Health Act, Chapter 49.17 RCW, the rules adopted by the State Board of Health under RCW 70.54.110, and the designated guidelines. Requires that, by December 1, 1998, the Department of Labor and Industries shall adopt Rules requiring electricity in all temporary worker housing and establishing minimum requirements to ensure the safe storage, handling, and preparation of food in these camps, regardless of whether individual or common cooking facilities are in use. **House Trade & Economic Development.**

SSBa 6550: Chemical Dependency Professionals

A certification program is established for chemical dependency professionals administered by the Department of Health. Persons practicing chemical dependency counseling may represent themselves as "certified chemical dependency professionals" by meeting specified certification requirements in settings approved by DSHS. Applicants must pay a certification fee, pass an examination, and satisfy the education and experience requirements approved by the Secretary of Health in consultation with the Chemical Dependency Certification Advisory Committee. The secretary is authorized to approve educational programs and alternative training. Chemical dependency counselors treating patients in settings other than programs approved by the DSHS may not represent themselves as Chemical Dependency Professionals. **House Health Care, Do Pass as Amended.**

SSB 6651: Prescription Electronic Transfer

Authorizes information concerning an original prescription or information concerning a prescription refill for a legend drug to be electronically communi-

cated to a pharmacy of the patient's choice pursuant to the provisions of this act if the electronically communicated prescription information complies with designated requirements. **House Health Care.**

REGULATORY REFORM

E2SHB 2345: Administrative Law Revisions

Revises provisions relating to administrative law rule-making and hearing procedures. A notification requirement for certain rules is added. Within 200 days of the effective date of a rule that imposes additional requirements on businesses that may subject a person to a sanction if violated, an agency must make a good faith effort to notify businesses affected by the rule of the requirements and how to obtain technical assistance. Good faith means the agency at least notifies businesses in the standard industrial classifications of businesses. Inadvertent failure to notify a specific business does not invalidate a rule.

The time period for JARRC to decide whether to impose the significant legislative rule requirements is extended from 45 to 75 days. Agencies may file proposals for the expedited repeal of rules at any time, instead of only twice a year. Each agency must report annually to JARRC on its progress in reviewing its rules, and must publish a summary of the report in the register. If JARRC receives a written objection within 90 days after publication, JARRC must determine whether the agency complied with the requirements. If JARRC finds that the agency did not comply, the agency has 120 days to receive approval from JARRC. If JARRC does not approve, the rule is deemed invalid. **Senate Government Operations.**

SSB 6575: Administrative Rules Review

Expands the power of the joint administrative Rules review committee. **House Rules.**

SB 6739: Governmental Accounts/Family Impact

Requires assessment of the impact on families before adoption of administrative rules and adoption of local government ordinances or resolutions. State agencies are authorized to enact administrative rules to assist the agency in implementing state laws. It has been suggested that because these rules, ordinances and resolutions may greatly affect families, an analysis of the impact should be conducted prior to enactment. **House Government Reform & Land Use.**

TOBACCO

2ESHB 1746: Makes it illegal for a minor to possess or attempt to possess tobacco

Requires minors found guilty of possession or purchase of tobacco to pay a fine and perform four hours of community service. The court may also order the minor into a tobacco cessation program. Deletes the authority of local health departments, and adds the authority tobacco licensees to grant limited immunity to minors to participate in compliance activity. **Senate Commerce & Labor.**

ESSB 6354: Tobacco Industry Settlements

Provides that, unless otherwise directed by an act of Congress or, in the case of a lawsuit against the tobacco industry, the ensuring settlement or judicial determination, any recovery for damages received by the state in any such settlement or litigation, exclusive of costs and fees, shall be deposited into the health services account and the education enhancement account. Moneys deposited in the Health Services Account are to be used exclusively for basic health Plan enrollment. Directs the Attorney general to negotiate a settlement along the guidance of this act. **Senate Passed 3rd.**

WELFARE REFORM

SHBa 2589: TANF Eligibility

TANF eligibility is conditioned upon establishing paternity for a child receiving assistance. A “good cause” exemption from this requirement, based upon current regulatory practice, is specified in statute, for cases where parental identification would be detrimental to the child, as established by court, medical, criminal, child protective services, social services, psychological or law enforcement records. In addition, DSHS has judgmental discretion to investigate the basis for a claim of “good cause.” **Senate Rules.**

ESSB 6418/HB 2767: Support Enforcement

A seven-day time period for remittance of withheld earnings is specified. Parents provide certain information to the state child support case registry, and addresses of recipients are protected, under certain circumstances. The location of a noncustodial parent is protected upon request. Penalties for false reporting or failure to report new hires are specified and increased. Federal employer identification numbers are used by employers in reporting, replacing various

other identifiers. The Governor and the Department of Social and Health Services seek a waiver from Social Security number tracking provisions of the federal Personal Responsibility and Work Opportunity Reconciliation Act. Implements technical amendments to the federal personal responsibility and work opportunity reconciliation act of 1996. **House Law & Justice.**

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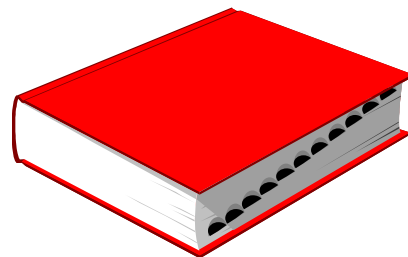
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Legislative Cut Off Dates

February 27, 1998: Last day to read in committee reports from opposite house, except House fiscal committees and Senate Ways & Means and Transportation committees.

March 2, 1998: Last day to read in opposite house committee reports from House fiscal committees and Senate Ways & Means and Transportation committees.

March 6, 1998: Last day to consider opposite house bills (except amendments, differences, conference reports, the interim, and business relating to closing session.

March 12, 1998: Sine Die. §

LEGISLATIVE INTERNET LINKS

Legislative information can be accessed via the internet. The following are a few links that may be of interest:

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http://www.doh.wa.gov/publicat/98_legup.htm

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Washington State House of Representatives

<http://www.leg.wa.gov/www/house/members/housepg.htm>

Washington State Senate

<http://www.leg.wa.gov/www/senate.htm>

Washington State Governor's Home Page

<http://www.wa.gov/governor>

TVW indicates that TVW tentatively plans to televise either LIVE or on a tape delayed basis. For additional information on TVW scheduling or availability, please call TVW at (360) 586-5555, or visit the TVW web site at: www.tvw.org



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